

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA, <i>ex rel.</i> ,)	
STEPHEN MCMULLEN,)	
)	
Plaintiffs,)	CIVIL CASE NO. 3:12-cv-00501
)	JUDGE CAMPBELL
v.)	MAGISTRATE JUDGE GRIFFIN
)	
ASCENSION HEALTH, <i>et al.</i>)	
)	
Defendant.)	

MOTION FOR A STAY BECAUSE OF LAPSE OF APPROPRIATIONS

The United States of America hereby moves for a stay of all proceedings in the above-captioned case.

At the end of the day on September 30, 2013, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances. These include “emergencies involving the safety of human life or the protection of property,” 31 U.S.C. § 1342, or when Department attorneys have express legal authority to continue working such as by court order. If the Court denies this motion for a stay, the United States Attorney’s Office will comply with the Court’s order and staff the case appropriately to comply with the Court’s order.

Undersigned counsel for the Department of Justice therefore requests a stay of the entire case until Congress has restored appropriations to the Department.

If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

Therefore, although the United States greatly regrets any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Stay was filed with the Court's ECF system on October 1, 2013 and delivered electronically via operation thereof the following:

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